

### **REMARKS/ARGUMENTS**

This communication is in response to the Non-Final Office Action dated December 18, 2008. Claims 1-16 were previously canceled, without prejudice. Claims 17-22 have been amended. New claims 23 and 24 have been added. No new matter has been added. Claims 17-24 remain pending in this application with claim 17 being the only independent claim. Reconsideration is respectfully requested.

#### **Information Disclosure Statement**

The Examiner has crossed out the foreign reference (DE 195 22 690) from the PTO/SB/08 submitted on April 13, 2006. No statement has been provided by the Examiner in the outstanding Office Action explaining why this reference was not considered. As best Applicant can surmise, the Examiner has refused to consider this reference on the grounds that it is not in English and no concise explanation of its relevance or translation has been provided. Applicant wishes to point out that U.S. Patent No. 5,855,399 (cited in the Information Disclosure Statement filed on April 13, 2006) is the U.S. counterpart of DE 195 22 690. Accordingly, Applicant maintains that this satisfies the concise explanation of its relevance or translation requirement.

In addition, in the outstanding Office Action the Examiner requests that Applicant supply a copy of EP 0 750 152 B1. The European patent requested by the Examiner has a corresponding German equivalent (DE 195 22 690) and U.S. equivalent (5,855,399), both of which were previously cited in an Information Disclosure Statement. Accordingly, Applicant submits that the Examiner has already considered the subject matter of EP 0 750 152 B1, when he considered the other equivalent patents.

#### **Defective Oath or Declaration**

The Examiner has objected to the Oath or Declaration as failing to have alterations initialed and dated as well as identifying the application by an improper title. Applicant submits herewith a substitute Declaration that overcomes these identified deficiencies.

### **Objections to Specification**

The Abstract is objected to on the grounds that it has underlining. In addition, the Examiner objected to the use of specific legal terms. The amended Abstract provided herewith has removed the underlining as well as the specific legal terms. Withdrawal of the objection is therefore requested.

### **Claim Rejections under 35 U.S.C. §112, second paragraph**

Claim 20 is rejected under 35 U.S.C. §112, second paragraph, on the ground that it is unclear how the openings can be characterized as “parallel.” Specifically, the Examiner states “It is unclear how the openings can be characterized as ‘parallel’. They may be opposite one another but as they lie on the same circumference they cannot be parallel.” Applicant has amended claim 20, in accordance with the Examiner’s suggestion to state that “said corresponding openings being opposite one another.” Accordingly, withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

### **Prior Art Claim Rejections**

Claims 17-19, 21 and 22 are rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,273,323 (Calmettes et al.).

Claim 20 is rejected under 35 U.S.C. §103(a) as obvious over Calmettes et al. in view of U.S. Patent No. 5,855,399 (Profunser).

Applicants respectfully traverse the prior art rejections for at least the reasons discussed below.

### **Independent Claim 17**

Independent claim 17 is distinguishable over the prior art of record in that it provides “at least one opening extending through the inner and outer sleeves.” (emphasis added) The Examiner asserts that Calmettes et al. teaches this limitation by the outer bush (1b) and sleeve (6)/inner bush (1a) reading on the claimed “outer sleeve” and “inner sleeve”, respectively. In the outstanding rejection the claimed “at least one opening” reads on the opening (6c) in the sleeve

(6) disclosed in Figure 1 of Calmettes et al. Contrary to the claimed invention which expressly calls for the opening to extend through the inner and outer sleeves, the opening (6c) is only defined in the sleeve (6) which the Examiner asserts is analogous to the claimed "inner sleeve." The opening (6c) is not defined in the outer bush (1b), as required by claim 17.

#### **New Dependent Claim 23**

New dependent claim 23 provides "the inner sleeve and the outer sleeve form a double wall in the region from the at least one catch opening to an end of the plug from which the nozzle is received." Support for this new claim is found in Figure 1.

In contrast to the present claimed invention, the double wall shown in Figure 1 of Calmettes et al. does not extend from the opening (6c) in the sleeve (6) to the inlet end (6a) from which the tube (7) is received.

#### **New Dependent Claim 24**

New dependent claim 24 further specifies "wherein multiple portions of the catch spring, other than its free ends, extend radially outward through the catch spring openings beyond the outer sleeve; and other portions of the catch spring extend radially inward through the catch spring openings beyond the inner sleeve." As seen from Figure 2, multiple portions of the catch spring (9), other than the free ends (11), extend radially outward through the catch spring openings (6)(8) beyond the outer sleeve (15), while other portion of the catch spring (9) extend radially inward beyond the inner sleeve (14).

On the one hand, Calmettes et al. discloses in Figure 2 that only the free ends of the spring clip (9) extend radially outward from the opening (6c), no other portions of the spring clip (9) other than its free ends extend radially outward from the opening (6c) beyond the sleeve (6). Profunser, on the other hand, discloses (Figure 7) that the entire detent spring (4) fails to extend radially inward any further than the pipe socket (3) which encloses outer sleeve (2). Therefore, no portion of the detent spring (4) extends radially inward through a catch spring opening beyond the inner sleeve (1), as called for in claim 1.


**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,  
NORRIS McLAUGHLIN & MARCUS, P.A.

By   
Christa Hildebrand  
Reg. No. 34,953  
875 Third Avenue - 18<sup>th</sup> Floor  
New York, New York 10022  
Phone: (212) 808-0700  
Fax: (212) 808-0844  
Facsimile: (212)808-0844

00136395CH/CFC